

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18858 of 2026

Arising Out of PS. Case No.-932 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Rupesh Kumar @ Rupesh Yadav S/o Bahadur Rai R/o Village - Panditpur
Amawa Tola, P.S - Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Soni Kumari, advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-05-2026 Heard the parties.

2. The petitioner is in custody in connection with Turkauliya P.S. Case No. 932/2020 for the offence punishable under Sections 20(b) (ii) (c) 23 and 25 of the N.D.P.S. Act and under Section 414, 34 of Indian Penal Code lodged on 29.12.2020 by the informant, Abhay Kumar.

3. As per the prosecution story, the informant alleged that the police intercepted a Scorpio and recovered 984 gms of 'Charas' like substance. This led to the F.I.R. and arrest of Sipahi Kumar Yadav alias Rakesh Yadav and Chhote Lal Kumar.

4. Learned counsel for the petitioner submits that subsequently, the investigation took place and it was found that



Vijay Kumar owns the vehicle. Upon confronting him, he informed that his brother-in-law, Rupesh Kumar (this petitioner) uses the vehicle and when it has been transferred in his name, is not known to him. This led the Police to move to the door-step of the petitioner who was subsequently arrested on 13.01.2026.

5. Learned counsel for the petitioner submits that he has no role to play in the matter and only because his brother-in-law has named him, got implicated. Nothing has been recovered from his conscious possession nor he has criminal history.

6. The last submission is that the FSL report submitted by the Director, Regional Forensic Science Laboratory, Muzaffarpur dated 06.03.2024 has negated the substance to be 'Charas'.

7. Learned APP opposes the prayer for bail submitting that he was the person who was using the vehicle.

8. Taking into account the aforesaid fact as also that the petitioner has no criminal antecedent, nothing has been recovered from his conscious possession and the laboratory has negated the presence of 'Charas' in its report, in that background, this Court is inclined to extend him the privilege of bail with conditions.



9. Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge/ Special Judge, East Champaran at Motihari, in connection with Turkauliya P.S. Case No. 932/2020 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/S. Prasad

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